

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LATONYA RODGERS,

Plaintiff,

v.

Case No. 22-
Judge

DOLLAR TREE STORES, INC.,
d/b/a Dollar Tree Store #6872,

Defendant.

DAVID T. HILL (P48771)
Andreopoulos & Hill, PLLC
Attorney for Plaintiff
28900 Woodward Avenue
Royal Oak, MI 48067

P: (248) 399-9991 / F: (248) 399-9996
Email: injuryattorneys@andhillllaw.com

LISA T. MILTON (P38129)
Bowen, Radabaugh & Milton, P.C.
Attorney for Defendant

100 East Big Beaver Road, Suite 350
Troy, MI 48083

P: (248) 641-8486 /F: (248) 641-8219
Email: ltmilton@brmattorneys.com

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, the above-captioned action, which is currently pending in the Circuit Court for the County of Macomb, in the State of Michigan, is hereby removed by Defendant, Dollar Tree Stores, Inc. to the United States District Court for the Eastern District of Michigan by the filing of this Notice of Removal with the Clerk of the United States District Court for the Eastern District of Michigan. As grounds for removal, Defendant state as follows:

1. There is now pending in the Macomb County Circuit Court Case No. 22-001722-NO, a civil action in which Latonya Rodgers is the Plaintiff

2. Pursuant to 28 U.S.C. § 1446(a), a complete copy of the Complaint and Jury Demand filed by Plaintiff is attached as Exhibit 1; a complete copy of the Answer to the Complaint and Reliance on Jury Demand filed by Dollar Tree, Inc. is attached as Exhibit 2.

3. That based on the extent of the Plaintiff's claimed injuries and the allegations as asserted in Plaintiff's Complaint, the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and cost.

4. This action now involves a controversy between citizens of different states.

a. Plaintiff is, at the time of the commencement of this action, a citizen and resident of the State of Michigan. Exhibit 1, ¶ 1.

b. Dollar Tree Stores, Inc. is a corporation created and organized under the laws of the State of Virginia.

c. Dollar Tree Stores, Inc. is a company publicly traded on the NASDAQ Stock Exchange.

5. The District Court of the United States is given original jurisdiction of this action pursuant to 28 U.S.C. § 1332. Removal is being sought pursuant to 28 U.S.C. §§ 1441 and 1446(b)(3).

6. This notice is being filed with the Court within thirty (30) days of the receipt by the Defendant of the initial pleading. The Defendant was served with the Complaint on May 26, 2022. Exhibit 3.

7. A true and correct copy of this Notice will be filed with the Clerk for the County of Washtenaw as provided by law.

Wherefore, Defendant, Dollar Tree Stores, Inc., respectfully requests that this matter be removed from Macomb County Circuit Court to this Court.

Respectfully submitted,

BOWEN, RADABAUGH & MILTON, P.C.

By: /s/Lisa T. Milton

LISA T. MILTON (P38129)

Attorney for Defendant

100 East Big Beaver Road, Suite 350
Troy, MI 48083

P: (248) 641-8486/F: (248) 641-8219

Email: ltmilton@brmattorneys.com

Dated: February 9, 2022

Proof of Service

I certify that on February 9, 2022, this document was electronically filed with the Clerk of the Court and electronically served upon David T. Hill, attorney for Plaintiff at injuryattorneys@andhilllaw.com.

/s/Kim King

EXHIBIT 1

Approved, SCAO

Original - Court
 1st copy - Defendant

2nd copy - Plaintiff
 3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT Macomb, 16th JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS	CASE NO. 2022-001722-NO
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Court address
 40 N Main St, Mt Clemens, MI 48043

Court telephone no.
 (586) 469-7171

Plaintiff's name(s), address(es), and telephone no(s). LATONYA RODGERS
Plaintiff's attorney, bar no., address, and telephone no. L. LOUIE ANDREPOULOS (P45136) DAVID T. HILL (P48771) Andreopoulos & Hill, PLLC 28900 Woodward Avenue, Royal Oak, MI 48067 (248) 399-9991

v

Defendant's name(s), address(es), and telephone no(s). DOLLAR TREE STORES, INC, d/b/a Dollar Tree Store #6872 CSC-Lawyers Incorporating Service (Company) 2900 West Road, Suite 500 East Lansing, MI 48823
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Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in ☐ this court, ☐ _____ Court, where it was given case number _____ and assigned to Judge _____.

The action ☐ remains ☒ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party or **take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 5/4/2022	Expiration date* 8/3/2022	Court clerk <i>Anthony J. Forlini</i>
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

MC 01 (9/19) **SUMMONS**

MCR 1.109(D), MCR 2.102(B), MCR 2.103, MCR 2.104, MCR 2.105

06/10/2022

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

LATONYA RODGERS,
Plaintiff,

Case No. 22- 001722 -NO
Hon. James M. Maceroni

vs.

DOLLAR TREE STORES, INC.,
d/b/a Dollar Tree Store #6872,
Defendant.

L. LOUIE ANDREOPOULOS (P45136)
DAVID T. HILL (P48771)
Attorneys for Plaintiff
Andreopoulos & Hill, PLLC
28900 Woodward Ave.
Royal Oak, MI 48067
(248) 399-9991 / Fax: (248) 399-9996
injuryattorneys@andhilllaw.com

*There is no pending or resolved civil action arising out of the
transaction or occurrence alleged in the Complaint.*

COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COMES the Plaintiff, LATONYA RODGERS, by and through her attorneys, ANDREOPOULOS & HILL, PLLC, and complaining against the above-named Defendant, DOLLAR TREE STORES, INC, d/b/a Dollar Tree Store #6872, respectfully represents to this Honorable Court, as follows:

COUNT I – GENERAL AVERMENTS

1. Plaintiff is a resident of the County of Wayne, State of Michigan.
2. Defendant, DOLLAR TREE STORES, INC, d/b/a Dollar Tree Store #6872, is an entity regularly conducting business in the County of Macomb and State of Michigan, and at all times relevant hereto were regularly doing business and/or

otherwise established in the County of Genesee and State of Michigan, the resident agent for DOLLAR TREE STORES, INC, d/b/a Dollar Tree Store #6872 being CSC-Lawyers Incorporating Service (Company), 2900 West Road, Suite 500, East Lansing, Michigan 48823.

3. The incident complained of herein occurred on or about May 7, 2019 in the County of Macomb and State of Michigan, at Dollar General Store #6872, located at 13859 E. Eight Mile Road, Warren (48089) County of Macomb, State of Michigan.
4. The amount in controversy herein exceeds the sum of Twenty-Five Thousand Dollars (\$25,000).

COUNT II – NEGLIGENCE CLAIM AS TO DEFENDANT

5. Plaintiff re-alleges and incorporates by reference all of the preceding paragraphs of this Complaint as though more fully set forth herein.
6. On the date and time aforesaid, the Plaintiff was an invitee lawfully upon the premises of the Defendant and/or under Defendant's maintenance and control, at said location as set forth above.
7. As a result of the negligent actions of the Defendant and/or Defendant's employees and/or agents, the Plaintiff was caused to be injured due to the existence of an extremely hazardous condition which was in existence on its premises resulting from Defendant's lack of proper maintenance, stocking, stacking of displays and shelving and/or product, and/or other hazardous conditions in an area held open for use of business invitees, the existence of which was not discoverable upon casual inspection and/or was effectively unavoidable.
8. As a result of the negligence aforesaid, the Plaintiff was caused to sustain severe and serious personal injuries, including, but not limited to: knees, legs, feet, hips,

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN
28900 Woodward Avenue
Royal Oak, MI 48067
(248) 399-9991; Fax 248-399-9996

neck, and back, and emotional/psychological injuries, as well as others to be determined as discovery reveals.

9. Defendants owed duties to the Plaintiff, as Defendant's invitee, and breached said duties in each of the following manners including, but not limited to, failure to adequately and properly train and/or otherwise supervise the agents and/or employees of the Defendant in the proper protocols and procedures for maintenance and set up of areas such as displays and shelving, and stacking of product and inventory, especially when in the presence of customers/invitees, in particular, the Plaintiff herein.
10. As a direct and proximate result of the negligence of the Defendant and/or Defendant's employees and/or agents, the injured Plaintiff sustained:
 - A. Severe bodily injuries which were painful, disabling and necessitated medical care;
 - B. Medical expenses for necessary care and treatment, including past, present and future;
 - C. Shock and emotional damage;
 - D. Possible aggravation of pre-existing conditions and/or reactivation of dormant conditions;
 - E. Inability to attend to Plaintiff's usual affairs, render services as formerly and the inability to enjoy the normal pursuit of life as before;
 - F. Injuries which are permanent to the degree Plaintiff suffered a loss in ability to earn money as before, and will have impaired earning capacity in the future, continued pain and suffering as well as permanency, all as a result of the negligence as alleged herein;
 - G. Others to be determined as discovery reveals.
11. As a direct and proximate result of the negligence of Defendant and the resulting injuries to Plaintiff, the Plaintiff did and may continue to incur expenses for hospitals, doctors, x-rays, medicines and other medical supplies and attention.

28900 Woodward Avenue
Royal Oak, MI 48967
(248) 399-9991; Fax 248-399-9996

12. As a direct and proximate result of the negligence of Defendant as aforesaid, the Plaintiff has been compelled to expend and become obligated for large sums of money for medical care and treatment, and in the future, may be required to expend and become obligated for sums of money for medical care, attention and supplies for treatment and aforesaid injuries sustained.
13. Plaintiff will continue to have pain and suffering as well as permanency, all as a result of Defendant's negligence, as hereinbefore alleged.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court award damages in Plaintiff's favor and against Defendant in whatever amount Plaintiff is found to be entitled, together with interest, costs, and attorney fees.

Respectfully submitted,

ANDREOPOULOS & HILL, PLLC

/s/ L. Louie Andreopoulos

L. LOUIE ANDREOPOULOS (P45136)

DAVID T. HILL (P48771)

Attorneys for Plaintiff

28900 Woodward Ave.

Royal Oak, MI 48067

(248) 399-9991

Dated: April 25, 2022

28900 Woodward Avenue
Royal Oak, MI 48067
(248) 399-9991; Fax 248-399-9996

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

LATONYA RODGERS,

Case No. 22-_____-NO

Plaintiff,

Hon. _____

vs.

DOLLAR TREE STORES, INC.,
d/b/a Dollar Tree Store #6872,

Defendant.

L. LOUIE ANDREOPOULOS (P45136)
DAVID T. HILL (P48771)
Attorneys for Plaintiff
Andreopoulos & Hill, PLLC
28900 Woodward Ave.
Royal Oak, MI 48067
(248) 399-9991 / Fax: (248) 399-9996
injuryattorneys@andhilllaw.com

DEMAND FOR JURY TRIAL

NOW COMES the Plaintiff, LATONYA RODGERS, by and through Plaintiff's attorneys, ANDREOPOULOS & HILL, PLLC and hereby demands a trial by jury of the within cause.

Respectfully submitted,

ANDREOPOULOS & HILL, PLLC

/s/ L. Louie Andreopoulos

L. LOUIE ANDREOPOULOS (P45136)

DAVID T. HILL (P48771)

Attorneys for Plaintiff

28900 Woodward Ave.

Royal Oak, MI 48067

(248) 399-9991

Dated: April 25, 2022



Notice of Service of Process

null / ALL
Transmittal Number: 24980571
Date Processed: 05/27/2022

Primary Contact: JJ Jacobson-Allen
Dollar Tree Stores Inc
500 Volvo Pkwy
Chesapeake, VA 23320-1604

Electronic copy provided to: Heather Hunter

Entity: Dollar Tree Stores, Inc.
Entity ID Number 3697563

Entity Served: Dollar Tree Stores, Inc, d/b/a Dollar Tree Store #6872

Title of Action: Latonya Rodgers vs. Dollar Tree Stores, Inc, D/B/A Dollar Tree Store #6872

Matter Name/ID: Latonya Rodgers vs. Dollar Tree Stores, Inc, D/B/A Dollar Tree Store #6872
(12362271)

Document(s) Type: Summons/Complaint

Nature of Action: Personal Injury

Court/Agency: 16th Circuit Court, MI

Case/Reference No: 2022-001722-NO

Jurisdiction Served: Michigan

Date Served on CSC: 05/26/2022

Answer or Appearance Due: 28 Days

Originally Served On: CSC

How Served: Certified Mail

Sender Information: Andreopoulos & Hill, PLLC
248-399-9991

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com

EXHIBIT 2

STATE OF MICHIGAN
MACOMB COUNTY CIRCUIT COURT

LATONYA RODGERS,

Plaintiff,

v.

Case No. 22-001722-NO
Honorable James Maceroni

DOLLAR TREE STORES, INC.,
d/b/a Dollar Tree Store #6872,

Defendant.

DAVID T. HILL (P48771)
Andreopoulos & Hill, PLLC
Attorney for Plaintiff
28900 Woodward Avenue
Royal Oak, MI 48067
Phone: (248) 399-9991 / Fax: (248) 399-9996
Email: injuryattorneys@andhilllaw.com

LISA T. MILTON (P38129)
Bowen, Radabaugh & Milton, P.C.
Attorney for Defendant
100 East Big Beaver Road, Suite 350
Troy, MI 48083
Phone: (248) 641-8486/Fax: (248) 641-8219
Email: ltmilton@brmattorneys.com

ANSWER TO COMPLAINT AND SPECIAL AND/OR AFFIRMATIVE DEFENSES

Defendant, Dollar Tree Stores, Inc., represented by counsel, Bowen, Radabaugh & Milton, P.C., answers Plaintiff's complaint as follows:

Count I – General Averments

1. This Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations, and therefore, neither admits nor denies them, but leaves Plaintiff to her proofs.

2. No contest.

3. This Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations, and therefore, neither admits nor denies them, but leaves Plaintiff to her proofs.

4. No contest.

Count II – Negligence Claim as to Defendant

5. This Defendant hereby incorporates by reference its answers to paragraphs 1 through 4, as if set forth herein word for word.

6. This Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations, and therefore, neither admits nor denies them, but leaves Plaintiff to her proofs.

7. The allegations of this paragraph are denied for the reason that they are untrue.

8. The allegations of this paragraph are denied for the reason that they are untrue.

9. The allegations of this paragraph are denied for the reason that they are untrue.

10. The allegations of this paragraph are denied for the reason that they are untrue.

11. The allegations of this paragraph are denied for the reason that they are untrue.

12. The allegations of this paragraph are denied for the reason that they are untrue.

13. The allegations of this paragraph are denied for the reason that they are untrue.

Respectfully submitted,

BOWEN, RADABAUGH & MILTON, P.C.

By: /s/Lisa T. Milton

LISA T. MILTON (P38129)

Attorney for Defendant

100 East Big Beaver Road, Suite 350

Troy, MI 48083

Phone: (248) 641-8486/Fax: (248) 641-8219

Email: ltmilton@brmattorneys.com

SPECIAL AND/OR AFFIRMATIVE DEFENSES

Defendant, Dollar Tree Stores, Inc. represented by counsel, Bowen, Radabaugh & Milton, P.C., states for its special and/or affirmative defenses the following:

1. That Plaintiff was over fifty percent at fault for the incident and is not entitled to any noneconomic damages.

2. That Plaintiff's claim is barred by the Doctrine of Res Judicata or Collateral Estoppel.

3. That the condition which caused Plaintiff's fall was open and obvious.

4. That this Defendant did not have actual or constructive notice of the condition which caused Plaintiff's fall.

5. That this Defendant took reasonable measures within a reasonable time to diminish any alleged hazards.

6. That Plaintiff's complaint fails to state a claim upon which recovery can be based.

7. Defendant demands that Plaintiff join all claims against Defendant(s) pursuant to MCR 2.203.

8. That the Plaintiff had a duty to mitigate her damages and has failed to do so.

9. That the claims set forth by the Plaintiff are barred by the Statute of Limitations and/or Statute of Repose.

10. That the Plaintiff's claim is barred, in whole or in part, by the provisions of the Michigan Workers' Compensation Act, MCLA 418.131.

11. That the Plaintiff's claim for exemplary damages are not proper, and this Defendant will move this Honorable Court to strike said paragraph as a matter of law.

12. That the Plaintiff was negligent, contributorily negligent, comparatively negligent in failing to act as a reasonable, prudent person would under the circumstances and in failing to take reasonable precautions for her own safety.

13. That there was sufficient intervening, superseding negligence of others, including the Plaintiff, and others unknown to this Defendant at this time.

14. That the Defendant has not properly been served with process pursuant to the Michigan Court Rules, and this Defendant reserves the right to file a motion to quash said purported service of process.

15. That the claims set forth by the Plaintiff are barred by release and/or accord and satisfaction.

16. Plaintiff's claims against this Defendant are frivolous within the meaning of MCR 2.114, MCLA 600.2591, and MCLA 600.2949(2), thus entitling this Defendant to an award of actual costs and reasonable attorney's fees. Defendant gives notice of its intent to seek reimbursement of all recoverable costs, expenses and actual attorney fees to the fullest extent permitted by law.

17. This Defendant reserves the right to plead and prove further Special and/or Affirmative Defenses that may become known through discovery and/or trial of the above-entitled cause.

Respectfully submitted,

BOWEN, RADABAUGH & MILTON, P.C.

By: /s/Lisa T. Milton

LISA T. MILTON (P38129)

Attorney for Defendant

100 East Big Beaver Road, Suite 350

Troy, MI 48083

Phone: (248) 641-8486/Fax: (248) 641-8219

Email: ltmilton@brmattorneys.com

Dated: June 16, 2022

Proof of Service

I certify that on June 16, 2022, the foregoing paper was electronically filed with the Clerk of the Court and electronically served upon all attorneys of record using this court's e-filing/e-serve system.

/s/Kim King

STATE OF MICHIGAN
MACOMB COUNTY CIRCUIT COURT

LATONYA RODGERS,

Plaintiff,

v.

Case No. 22-001722-NO
Honorable James Maceroni

DOLLAR TREE STORES, INC.,
d/b/a Dollar Tree Store #6872,

Defendant.

DAVID T. HILL (P48771)
Andreopoulos & Hill, PLLC
Attorney for Plaintiff
28900 Woodward Avenue
Royal Oak, MI 48067
Phone: (248) 399-9991 / Fax: (248) 399-9996
Email: injuryattorneys@andhilllaw.com

LISA T. MILTON (P38129)
Bowen, Radabaugh & Milton, P.C.
Attorney for Defendant
100 East Big Beaver Road, Suite 350
Troy, MI 48083
Phone: (248) 641-8486/Fax: (248) 641-8219
Email: ltmilton@brmattorneys.com

RELIANCE ON JURY DEMAND

Defendant, Dollar Tree Stores, Inc., represented by counsel, Bowen, Radabaugh & Milton, P.C., hereby relies upon the jury demand filed by the Plaintiff in this action.

Respectfully submitted,

BOWEN, RADABAUGH & MILTON, P.C.

By: /s/Lisa T. Milton

LISA T. MILTON (P38129)
Attorney for Defendant
100 East Big Beaver Road, Suite 350
Troy, MI 48083
Phone: (248) 641-8486/Fax: (248) 641-8219
Email: ltmilton@brmattorneys.com

Dated: June 16, 2022

Proof of Service

I certify that on June 16, 2022, this entire document was electronically filed with the Clerk of the Court and electronically served upon all attorneys of record using this court's e-filing/e-serve system.

/s/Kim King

EXHIBIT 3



Notice of Service of Process

null / ALL
Transmittal Number: 24980571
Date Processed: 05/27/2022

Primary Contact: JJ Jacobson-Allen
Dollar Tree Stores Inc
500 Volvo Pkwy
Chesapeake, VA 23320-1604

Electronic copy provided to: Heather Hunter

Entity: Dollar Tree Stores, Inc.
Entity ID Number 3697563

Entity Served: Dollar Tree Stores, Inc, d/b/a Dollar Tree Store #6872

Title of Action: Latonya Rodgers vs. Dollar Tree Stores, Inc, D/B/A Dollar Tree Store #6872

Matter Name/ID: Latonya Rodgers vs. Dollar Tree Stores, Inc, D/B/A Dollar Tree Store #6872
(12362271)

Document(s) Type: Summons/Complaint

Nature of Action: Personal Injury

Court/Agency: 16th Circuit Court, MI

Case/Reference No: 2022-001722-NO

Jurisdiction Served: Michigan

Date Served on CSC: 05/26/2022

Answer or Appearance Due: 28 Days

Originally Served On: CSC

How Served: Certified Mail

Sender Information: Andreopoulos & Hill, PLLC
248-399-9991

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com